

STATEMENT

AMERICAN PROPERTY CASUALTY INSURANCE ASSOCIATION (APCIA)

S.B. No. 321 – AN ACT EXPANDING WORKERS’ COMPENSATION FOR POST- TRAUMATIC STRESS INJURIES FOR ALL EMPLOYEES

LABOR COMMITTEE

March 8, 2022

The American Property Casualty Insurance Association (APCIA)¹ appreciates the opportunity to comment on Senate Bill No. 321, An Act Expanding Workers’ Compensation for Post-Traumatic Stress Injuries for All Employees. With members comprising nearly 60 percent of the U.S. property casualty insurance market, APCIA represents the broadest cross-section of home, auto, and business insurers of any national trade association.

Senate Bill 321 would extend compensability for post-traumatic stress injuries (“PTSD”) to all employees. Workers’ compensation coverage for PTSDs was only very recently enacted for certain first responders and health care providers in recognition of their heroic and vital work in connection with recent tragedies, including the COVID-19 pandemic. APCIA opposes extending this new PTSD workers’ compensation for first responders and health care workers to all employees, regardless of job classification.

Connecticut workers’ compensation law excludes mental stress claims from the definition of personal injury “unless such impairment arises from a physical injury or occupational disease...” Section 31-275(16)(B)(ii). The requirement of an accompanying physical injury is well-reasoned. Mental stress claims such as PTSD are by their nature extremely subjective and personal. Often there are personal, familial, and non-work-related factors underlying the mental depression. Mental stress and depression claims are also potentially prone to abuse and/or fraudulent claims. The physical injury requirement provides critical evidentiary proof of the validity of the claim and prevents possible overburdening of the workers’ compensation system with such claims.

Workers’ compensation, of course, is a no-fault system in which the employer provides first dollar and unlimited medical coverage (with no deductibles, no co-payments, and no duration limits) to the employee together with indemnity benefits for the employee’s wage replacement. These

¹ Effective January 1, 2019, the American Insurance Association (AIA) and the Property Casualty Insurers Association of America (PCIAA) merged to form the American Property Casualty Insurance Association (APCIA). Representing nearly 60 percent of the U.S. property casualty insurance market, APCIA promotes and protects the viability of private competition for the benefit of consumers and insurers. APCIA represents the broadest cross-section of home, auto, and business insurers of any national trade association. APCIA members represent all sizes, structures, and regions, which protect families, communities, and businesses in the U.S. and across the globe.

medical and indemnity benefits are provided *even in the absence of fault on the part of the employer*. Such a no-fault system should not now be asked to also cover potentially expensive and long-term PTSD claims, in the absence of any physical injury by the claimant. While the recent removal of the physical injury requirement for PTSDs for certain first responders and health care workers is understandable based on their contributions during the pandemic and other recent tragedies, this new standard should not now be extended to all job classifications.

For the foregoing reasons, APCIA urges your Committee NOT to advance this bill.